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1964

Vol. 17, No. 14, December 4, 1964

University of Michigan Law School

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Recommended Citation

University of Michigan Law School, "Vol. 17, No. 14, December 4, 1964" (1964). *Res Gestae*. Paper 890.
http://repository.law.umich.edu/res_gestae/890

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Res Gestae

Last issue of
the semester!

PUBLISHED WEEKLY BY

THE LAWYERS CLUB OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

VOL. 167 17

DECEMBER 4, 1964

NO. 13 14

CRAMTON HAS ARTICLE ON CIVIL RIGHTS PUBLISHED: In an article on civil rights appearing in the November issue of the Law Review, Professor Roger C. Cramton discusses the civil rights provisions of Michigan's new constitution and reviews the Con-Con debates which preceded adoption of the constitution in 1963. On the basis of these materials, Cramton concludes that further legislation is needed to create rights of nondiscrimination in areas not already dealt with by federal or state law. The Civil Rights Commission's authority is limited to the implementation of civil rights already created by the legislature or by express constitutional provision.

Cramton notes that Attorney General Frank J. Kelley has taken the contrary position that the new constitution creates broad new civil rights. He states that "the Attorney General has misread the language and actions of the constitution-makers." Though the Civil Rights Commission is an important agency that has much work to do, Cramton does not believe that it possesses exclusive power to formulate social policy on all matters relating to race relations.

"The Civil Rights Commission," he states, "possesses authority to implement such civil rights as are specifically mentioned in the constitution, established by federal law, or specified and defined by state statute. The commission does not have an unlimited power...to create private rights and duties and to fashion remedial machinery....the legislature retains its traditional role as the major source of rights and duties which govern the relationships of private citizens... Nor does the constitution express an intent to bar other agencies of government--executive officers, local governments, etc.--from acting to preserve existing or new civil rights of nondiscrimination."

The difference between the position taken by Attorney General Kelley and that of Professor Cramton is most evident in the field of private housing. Kelley claims that the Civil Rights Commission, without further action by the legislature, may forbid private homeowners from refusing on grounds of race to sell or rent their homes to Negroes. This is an area in which the legislature has not acted and which is not mentioned in the constitution. Cramton concludes that neither the constitution nor the legislation has created enforceable rights of nondiscrimination in the private housing field.

Cramton also argues that the task of providing genuine equality of opportunity for all citizens--regardless of race--may be hampered by exclusive reliance on a single administrative agency. Cramton disagrees with Attorney General Kelley's view that local agencies, as well as the legislature, have very limited powers to act in the civil rights field. Cramton points out that under his view, unlike that of the Attorney General, local fair housing ordinances like that of Ann Arbor and Grand Rapids are valid and enforceable.

SHAPIRO SPEAKS AT POVERTY MEETING IN WASHINGTON, D.C.: E. Donald Shapiro, Director of the Institute of Continuing Legal Education, spoke recently at a Washington conference on Extending Legal Services to the Poor. His topic was "Techniques for Providing Social Workers with Legal Perspective."

"The lawyer operates within the adversary system," Shapiro explained. "However, the adversary system has glaring weaknesses. The rich and the poor cannot afford counsel of equal ability." Often, the poor cannot afford any counsel.

"More important, the great social problems of modern times are not adapted to an adversary system. For instance, domestic relations is not basically an adversary proceeding. The great goal of our times seems to be a civilized divorce. This means that no one should be angry with anyone else, but just that an experiment in togetherness has failed. Who is there to protect the children? Who is there to protect the interest of society? The friend of the court, the social worker."

Shapiro cited other fields of law which depend on the social worker to bring out the facts. They are juvenile court problems, adoption and control of the mentally sick. The danger is, he said, that the social worker will get carried away in bringing forward what he considers the real facts in a situation. He may, not understanding our legal system, infringe on the rights of the individual. "The social worker must understand that, largely based on his reports, his determination and his presentation of factual material, an individual's freedom can very well be taken away."

"In our present system the poor will not and cannot employ a lawyer when their rights are being trampled upon. Therefore we must teach the social workers the basic framework of the adversary system, its functions and its safeguards."

BEQUEST, SPECIAL GIFT RECEIVED BY LAW SCHOOL: A gift of \$150,000. has been received by the U-M Regents to establish the Henry M. Butzel Professorship of Law, and for other purposes. It was a gift from Mr. Butzel's estate. Under its terms, the Dean will nominate a member of the faculty to be the Henry M. Butzel Professor of Law, designation being by the Regents. This professor will hold the chair for five years during which he will receive a salary supplement.

According to the bequest, income from the fund may also be used to support faculty research, student organizations, purchase of books for the library, support of the speakers program and support of instructional or research activities relating to training in advocacy or professional responsibility.

Mr. Butzel was a former Justice of the Supreme Court of Michigan, a founder of the Detroit Legal Aid Society, and a member of the State's Judicial Council. He practiced law for 61 years, until his death last year. According to trustees of his estate, he "valued the contributions which the University of Michigan and its Law School have made to the knowledge of law and the training of its practitioners. He was proud of the degrees conferred upon him as a graduate of the Literary College and the Law School and later in honor of his service to the community."

The Law School has also received a special gift from Dr. John Todd of Houston, Texas, to be added to the Law School Fund. Dr. Todd, J.D. '30 made the gift in honor of his father, Oliver J. Todd, Law class of 1901. It will be used to enable the Law School to prepare special instructional films on Oil and Gas Law. Prof. Julin is in charge of the project.

FRESHMEN BRIEFS: For the benefit of those readers still under the influence of Thanksgiving ennui, we mention the fact that examinations are less than a fortnight hence. No doubt this Examination Eve, as in years past, students again will gather in the Quad Court to roast chestnuts, drink hot toddies, and sing old school songs. And a munching audience will again be captivated by the legend of Fred Schmedlapp, narrated by a wistful, misty-eyed member of the faculty.

As last year's version of the legend goes, Fred Schmedlapp was a freshman law student with just ordinary intelligence, but with extraordinary ambitions. His friends and relatives all said he surely must become a great advocate, a tribute to his profession. But within a month of his first semester, Fred had become inundated and engulfed by his work--i.e. he'd had it. It was then he conceived the ingenious strategy that bears his name today. We mean, of course, The Schmedlapp Gambit. The scheme unfolded thusly. Fred simply quit working. Of course, he attended class religiously; but he lulled away his evening hours composing recipes for Playboy, picketing the house Way and Means Committee, and, most important, corresponding with a surfing buddy in Bermuda, asking him to purchase and put aside 87 picture postcards. Then, three weeks before finals, Fred completely disappeared. A few days later 87 classmates received a picture postcard from Bermuda, reading: "HAVING A JOLLY TIME. THE SURF IS FINE. SINCERELY, FREDDIE."

The effect on his classmates was devastating. Their powers of concentration began to ebb. Slogging through a thousand pages of Contracts in near zero weather, they were haunted by recurring thoughts of Freddie smoothly sailing through blue Bermuda waters. Studying became twice as difficult and half as profitable. Unknown to his classmates, Fred was but a bare two blocks from the Quad, tucked away in a spare room, sitting under a sunlamp, paging through his texts. The day of finals arrived. The examination room was hushed. Would Schmedlapp show? Ten minutes after everyone had begun, Fred suddenly appeared, wearing a powder blue Palm Beach jacket, white Bermuda shorts and deck shoes, and a flamingo red ascot. His tan was impeccable. He laid his surfboard aside, waved a casual recognition to his pale, dumbfounded colleagues, and literally attacked the exam. Half an hour later Fred handed in his blue book, picked up his surfboard, and whistled his way out of the room. Mass trauma and panic reigned. There was an extraordinary curve on that exam. And Fred Schmedlapp rode to glory on top of it.

- Steve Petix and Art Dulemba

LIBEL AND SLANDER: Our attention was recently called to the condition of the lounge in the basement of Hutchins Hall. To say that it is less than neat is to heap undeserved praise on those responsible for its condition. Evidence that it is a gathering spot for "brown-baggers" and persons seeking a cup of coffee or a soft drink is in abundance. Tables, couches, and the floor compete with six large trash containers for the honor of being the last repose of everything from paper cups to orange peels. It is hoped that those who have been so thoughtless in their use of this lounge will see the light. It is there for the benefit of all students and should not be spoiled by a few.

As exam time approaches, once again the Law Library extends its hours in recognition of the need for a place to study on Saturday and Sunday nights. Now is a good time for school to consider making this extension a permanent one. While we do not contend that every student who uses the Library these next three weekends would use it every Saturday and Sunday night were it left open. We do, however, suggest that there is sufficient demand to justify a permanent extension of hours. Now, admittedly, there is no available proof of this. We do know that, when it has been tried, during the last two semesters, there were a large number of students in the Library at these times. But, we haven't seen the results of its being open at other points during the semester. But, by the same token, those opposed to such a change in hours have even less on which to base their allegation that the use it would get would be minimal. We suggest that the students should have the opportunity to show, by their actions, that there is a need and a demand to have the Library opened on Saturday and Sunday nights; even if only for a four or five week trial period.

-H.V. Baxendale.

FROM OUR READERS: The following is excerpted from a response by Mr. Harold A. Larson to our last editorial. His speech "The Practical Implication of the Christian Ethic in the Practice of Law" was the subject of that editorial:

"It was my desire to convey to the hearer that the matter of the 'white lie' is a continuing challenge to the practitioner. In the practice of law legal problems and questions of fact are couched in the emotions of the litigants and witnesses who have been personally involved in the situation giving rise to the particular cause. What follows is the effort to obtain a legal remedy, but if the procedure or substantive rule is limited or costly, there is the natural tendency to circumvent it even when aware it is necessary.

"Let us be realistic and honest. No moral issue, great or small, is solved absolutely and without equivocation as it might be in mathematics. But as one whose religious experience arises from personal faith in Christ as the sinless son of God, all areas of living, including attitudes and conduct, are affected by this faith. This does not eliminate all temptation to subtly pervert the truth, but any standard of conduct in all matters, and more particularly in law, must be weighed or motivated by a desire to consistently meet the standard of truth as declared by an absolute God.

"The Christian Ethic recognizes that mortal man does not automatically do right in all things. It is, however, a source of strength for truth, costly or painful as it may be, because of a God consciousness. This does not occur in a vacuum, but in the varied experience of life where unscheduled temptations are the order of the day.

MISCELLANEOUS: Invitations are going out and will be going out over Christmas vacation for lining up the Law School Forum program for next semester. Co-chairmen Kevin Beattie and Ric Brown solicit suggestions for and help in getting top personalities who would be of interest to the Lawyers Club. Past experience shows that personal contacts are the surest way of getting good attractions. So, if you have a good personal contact, please help the speakers' program by using it....Mr. Charles Morgan, Director of the American Civil Liberties Union's Southern Regional Office will speak at the Law School on Tuesday, Dec. 8, at 8:00 P.M., in room 100. His topic will be "The South's Challenge to Civil Liberties." A native of Birmingham, Alabama, Mr. Morgan is an outspoken advocate of equal rights. He has had a highly distinguished career in Alabama; but now lives in Washington, D.C., having been forced to leave Alabama due to harassment and threats. The incident that solidified local opinion against him in Birmingham was a statement made before the Young Men's Business Club of Birmingham on the day after four small children were killed in a church bombing. The statement was described as a "searing indictment of the racial mores" leading to the bombing. Morgan charged the entire community with responsibility for the act.

AT THE FLICKS:

Campus: "Seduced and Abandoned"

Michigan: "Of Human Bondage"

State: "Roustabout"

Cinema Guild: Fri.- "The Savage Eye"; Sat.- "Los Olvidados"

QUADSVILLE QUOTES

....And therefore, Tom Tenent should get Blackacre; unless of course
...in which case it would go to Al Adverse.

- Syd Scholar

Merry Christmas to all, and to all, a good night.

- H.V. Baxendale.